

REMARKS

Applicants are in receipt of a final Office Action mailed March 13, 2007 ("Second Final Office Action"), in this application. Claim 1 is sought to be amended to correct typographical errors.

Applicants respectfully request that the finality of the Second Final Office Action should be withdrawn because the Office has expressly and erroneously misinterpreted claims and, as a result, has failed to consider the patentability arguments presented in the most recently filed Amendment dated 29 August 2008 ("Recent Amendment").

Further, the Office failed to address the merits of several arguments presented concerning one of the presented independent claims.

As a first example, in the Recent Amendment, claim 1 was amended to recite, "storing a first entry indicating that said first experience profile is associated with said first electronic file and a second entry indicating that said second experience profile is associated with said second electronic file, ...; receiving a first request **to open said first electronic file** and a second request **to open said second electronic file, wherein both of said first request and said second request are received after said storing of said first entry and said second entry in said memory;**" (**Emphasis Added**).

The relevance of the above amendment has been further pointed out in feature F3 (lines 8-9 page 13 of the Recent Amendment) and associated additional remarks (page 14 lines 4-18 of the Recent Amendment).

The Examiner simply ignores both the amendment and the remarks.

Section 707.07(f) of the Manual of Patent Examining Procedure (MPEP) instructs that:

Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it.

The Office repeated the rejections of all of the claims. The Office, however, neither "took note" of Applicants' argument nor "answered the substance" of Applicants' argument.

There are other amendments/remarks that have not been addressed in the Second Final Office Action. For example, Applicants had pointed out feature F6 ("substantial portion") in page 13 line 12 of the Recent Amendment, which has also not been taken note of (nor answered) in the Second Final Office Action.

Thus, **the Second Final Office Action is deficient** because the Office failed to satisfy the requirements of MPEP § 707.07(f).

The Second Final Office Action is deficient for other reasons as well.

For example, the Examiner had stated that:

Response to Arguments

Applicant's arguments filed 8/29/08 have been fully considered but they are not persuasive.

Applicants argument focused on the following:

Whether the combination of Craycroft, Novak, and Struck

[sic] **teach associating different profile with different files?**
Struck teaches this limitation because user can difference
user profile interface with different application file. (see
Struck, col. 8, lines 25-col. 9, lines 25)

(Page 13 lines 1-8 of the Second Final Office Action, **Emphasis Added, Emphasis in Original**)

The Examiner has erroneously misinterpreted some of the independent claims, in spite of the express claim limitation as well as specific remarks by the Applicant in the Recent Amendment.

As an illustration, claim 1, as amended in the previous response, required that different experience profiles be associated with different electronic files, and that the different experience profiles be operative when the respective electronic files are opened with the **same application**.

Previously presented claim 1 recites "controlling ... while providing access to a substantial portion of the data stored in said first electronic file using **said application** ...; and

controlling ... while providing access to a substantial portion of the data stored in said second electronic file using said application ..." (**Emphasis Added**), to require the above noted feature.

The Applicant had pointed to this feature in page 13 line 11 (feature F5) of the Recent Amendment.

5 Applicant had also pointed out that the feature is missing in Stucka (page 15 lines 3-10 in the Recent Amendment). This was pointed out after explaining that the same features are not taught or reasonably suggested by Craycroft and Novak (page 14 line 20 to page 15 line 2).

10 While the Examiner relied on Col. 10 lines 1-45 of Stucka in the Office Action dated 04/02/2008, the reliance was changed to Col 8 line 25 - Col 9 line 25 of Stucka after Applicants' Recent Amendment dated 08/29/2008.

The new portion of Stucka relied upon by the Examiner is reproduced below to show that this portion also does not cure the deficiency (contrary to the Examiner's assertion):

15 FIG. 3 shows a user interface server 48 coupled to the applications 50, 53, 54, the window management system 58, and the display object store 46. The functional relationships between these elements is shown FIG. 3. The user interface server 48 provides the applications with the ability to load user interfaces which have been previously created and stored in the display object store 46. The user interface server 48 provides a run-time interface between the window management system 58 and the applications. **The user interface server 48 is capable of handling multiple applications each with multiple user interfaces.**

25 The user interface server also provides applications with the ability to load a portion of an interface and attach it to a previously loaded interface. Each application 50, 53, 54 can modify interfaces which have been previously loaded by the user interface server 48 from the display object store 46 and can control the behavior of the interface. **Although different applications 50, 53, 54 can share the same user interface as stored in the display object store 46, they may each separately tailor the interface after it is loaded by the user interface server 48.** The user interface server 48 loads separate copies of each shared interface into the working memory area 78 for each application currently using the shared interface. **Since applications may have several user interfaces it is possible that multiple copies of a user interface will be loaded for a single**

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application. Each would be separately modifiable by the application.

As shown in FIG. 3, the applications 50, 53, 54 are coupled to the user interface server 48 via interconnecting means 56. Each application issues commands to the user interface server via the user interface server interface 52. The user interface server interface 52 is part of the application. The user interface server interface 52 provides a set of commands that permits each application to individually control the behavior of their user interfaces and receive information from the user interface server 48. The user interface server interface 52 provides each application with the functions necessary to control and modify its user interfaces. Each application can issue any of the set of commands to be carried out by the user interface server 48. **This provides an application development language by which each application has the ability to control the behavior of its user interfaces.**

The user interface server 48 services the commands issued by each application. These commands can include: initialization; loading of user interfaces; attaching portions of user interfaces to previously loaded user interfaces; deleting loaded user interfaces or portions of loaded user interfaces; modification of loaded interfaces; querying; initializing default values; and the displaying and undisplaying of user interfaces and user interface components. It is the application's use of these commands that provide for dynamic use of user interfaces and window management system independence.

Additionally, the user interface server interface 52 also provides a mechanism for each application to receive appropriate information about user actions. Suppose application A currently has displayed a user interface that contains a list of menu items. **If a user selects a menu item shown on the display means with a mouse, the appropriate function in Application A for handling this selection would be invoked in response to the user selection. The name of the application function to invoke is provided by means of a callback resource associated with the particular menu item.**

(Col. 8 lines 25-col. 9 line 25 of Stucka, **Emphasis Added**)

Applicants review of the above broadly suggests that Stucka provides the ability to customize/ tailor user interfaces of different applications, in addition to providing multiple user interfaces for the same application.

However, there is no disclosure or suggestion in the above quoted portion of Stucka that **the same application** provides different user experience when accessing different files, **after** the specific experience profiles are associated by a user with the corresponding files.

Thus, Stucka, Craycroft and Novak, either alone or in combination, do not teach at least one of the limitations of previously presented independent claim 1.

Furthermore, claim 1 has **the advantage** of providing an end user (distinguished from developers) with **different desired experiences** associated with accessing substantial portion of different electronic files using the same application (**after associating** the experience profiles). This is a **new** benefit that is neither taught nor reasonably suggested by the art of record.

5 MPEP § 707.07 (f) requires the Examiner to consider the benefit while determining patentability over the art of record.

At least for one of the reasons noted above, the references relied upon by the Examiner do not set forth a *prima facie* case of obviousness under 35 U.S.C. § 103 as against claim 1.

10 Similarly, with respect to dependent claim 8, the association of an experience profile (containing values for experience attributes) to an electronic file facilitates the user to be provided the same experience when opening the electronic file, irrespective of the values of the experience attributes specified by common infrastructure (such as application, operating system, etc.). This is also a **new benefit**, not shown in the art of record.

15 With respect to independent claim 10 also, the Second Final Office Action is in violation of MPEP § 707.07(f).

In particular, Applicants had pointed out specific reasons why claim 10 (amended in that paper) was allowable over the combination of Craycroft and Novak. See page 17 last line to page 18 line 8 of Recent Amendment, in which it was pointed out that a song is played
20 automatically when (in response to) **a user opens an electronic file for editing.**

It was further pointed out that Novak plays songs in response to some other condition (i.e., requiring pressing of a button), and thus teaches away from the invention of claim 10.

The Examiner neither "took note" of Applicants' argument nor "answered the substance" of Applicants' argument, in clear violation of the process required under MPEP

§ 707.07 (f).

Independent claim 14 is also allowable for some of the reasons noted above with respect to claim 1 in reciting that "...receiving a first request to open said first electronic file and a second request to open said second electronic file, wherein both of said first request and said second request are received **after** said user associates said first experience profile with said first electronic file and said second experience profile with said second electronic file;...controlling....while providing access to a substantial portion of the data stored in said first electronic file using **said application**....;and controlling....while providing access to a substantial portion of the data stored in said second electronic file using **said application** ..." **(Emphasis Added)**.

Independent claim 29 is also allowable for some of the reasons noted above with respect to claim 1 in reciting that "...receiving a first request to open said first electronic file using said application and a second request to open said second electronic file using said application **after said user associates** said first experience profile with said first electronic file and no experience profile is specified associated with said second electronic file;..." **(Emphasis Added)**.

The dependent claims are allowable at least as depending from the corresponding allowable base claim.

Conclusion

Accordingly the Examiner is respectfully requested to withdraw the final rejection and continue examination. The Examiner is invited to telephone the undersigned representative at 707.356.4172 if it is believed that an interview might be useful for any reason.

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Respectfully submitted,
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Signature

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